

Orange County Sheriff's Office
North Carolina Public Records Law Office
106 E. Margaret Lane
Hillsborough, NC 27278

December 13, 2018

To Whom It May Concern:

Pursuant to the North Carolina Public Records Law, I hereby request the following records:

Materials related to this agency's acquisition of, access to, preservation of, or disclosure of automated license plate readers (ALPR) or ALPR data:

1. Policies related to the adoption of ALPR technology, including those guiding the procurement process or necessary administrative obligations before acquisition.
2. Training policies, requirements, and materials for automatic license plate reader system operators.
3. Databases used to compare data obtained by the automatic license plate reader system.
4. Policies related to the retention and security of captured ALPR data, including those regarding:
 - the length of time after capture that data may be preserved
 - exceptions to general data preservation policies
 - internal data security and access
 - data destruction
5. Policies related to the sharing of captured ALPR data by this agency with other agencies, including those directing:
 - the manner in which another agency may request data
 - the circumstances under which captured data may be shared, and
 - the responsibilities of the recipient agency in regards to data retention and use.
 - access by this agency to data obtained by automatic license plate reader systems not operated by the law enforcement agency.
6. Policies related to the sale of data or the sharing of data with non-law enforcement actors.
 - If applicable, please provide all agreements between this agency and non-law enforcement actors.
7. Policies regarding oversight of automatic license plate reader system use.
8. Audit Reports
9. Policies related to maintenance and calibration.

Please also provide maintenance and calibration schedules and records for the system on file.

10. Any other policies or reports on subjects related to automatic license plate reader system use by the agency.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days.

Sincerely,

Dave Maass

Filed via MuckRock.com

E-mail (Preferred): 66035-89746479@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 66035
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Automated License Plate Readers (ALPRs)

429.1 PURPOSE AND SCOPE

The purpose of this Policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology (N.C.G.S. § 20-183.31).

429.2 POLICY

The policy of the Orange County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this Office. This data may contain confidential information, therefore it is not open to public review.

429.3 ADMINISTRATION

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, should be managed by the IT Division Captain.

429.4 OPERATIONS

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Orange County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

Use of an ALPR is restricted to the purposes outlined below. Office members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR should only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings, and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this Office should operate ALPR equipment or access ALPR data without first completing Office-approved training.

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- (e) No ALPR operator may access confidential Office, State, or federal data unless authorized to do so.
- (f) If practicable, the deputy should verify an ALPR response through the Division of Criminal Investigation Network (DCIN) before taking enforcement action that is based solely on an ALPR alert (N.C.G.S. § 20-183.31).

429.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should appropriately monitor ALPR operators to ensure that use of the ALPR equipment and data is consistent with this Policy (N.C.G.S. § 20-183.31). Any use of the ALPR system that violates the restrictions contained in this Policy may result in disciplinary action.

429.5 DATA COLLECTION AND RETENTION

The IT Division is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with Office procedures.

All stored ALPR data should be retained in accordance with the established records retention schedule. Thereafter, ALPR data shall be purged after 90 days unless a warrant has been issued for the data or it is subject to a written and sworn retention request submitted pursuant to N.C.G.S. § 20-183.32.

Data being retained pursuant to a retention request should be downloaded onto portable media, booked into evidence, and retained for a period of one year after the initial request unless a subsequent request to maintain the data is received (N.C.G.S. § 20-183.32).

429.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Orange County Sheriff's Office will observe the following safeguards regarding access to and use of stored data:

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or Office-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

429.6.1 SYSTEM INTEGRITY

The IT Division should regularly perform audits, maintenance checks, and any needed corrections or adjustments to the ALPR system. The audits shall be conducted at least annually and include a report to the Sheriff of the use and effectiveness of the system (N.C.G.S. § 20-183.31).

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The ALPR system should be updated every 24 hours or as soon as practicable thereafter with any license plate data obtained from the DCI network or any other databases used in conjunction with the ALPR system (N.C.G.S. § 20-183.32).

429.7 RELEASING ALPR DATA

ALPR data should only be shared with another law enforcement agency or prosecutor upon a written request, which may be made electronically. The release of ALPR data is not required if the disclosure of requested ALPR data will compromise an on-going investigation (N.C.G.S. § 20-183.32).

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Policy 803).

429.8 REQUESTS TO OUTSIDE AGENCIES

Members requesting the retention or release of ALPR data maintained by another agency should obtain supervisory approval prior to making the request. Members may request the disclosure of data from another agency by submitting a request in writing. Members requesting that data be retained by another agency must submit a sworn written statement as required by N.C.G.S. § 20-183.32. A copy of any requests should be retained in a case file.

Efforts should be made as soon as practicable to obtain a search warrant to access requested data. The member requesting the data should contact the outside agency to cancel any request should the information no longer be needed (N.C.G.S. § 20-183.31).

429.9 TRAINING

Subject to available resources, the Office should provide periodic training on the use and operation of the ALPR equipment, the collection of ALPR data, and the security and release of ALPR data (N.C.G.S. § 20-183.31).

§ 20-183.32. Preservation and disclosure of records.

(a) Captured plate data obtained by an automatic license plate reader system, operated by or on behalf of a law enforcement agency for law enforcement purposes, shall not be preserved for more than 90 days after the date the data is captured.

(b) Notwithstanding subsection (a) of this section, data obtained by an automatic license plate reader may be preserved for more than 90 days pursuant to any of the following:

- (1) A preservation request under subsection (c) of this section.
- (2) A search warrant issued pursuant to Article 11 of Chapter 15A of the General Statutes.
- (3) A federal search warrant issued in compliance with the Federal Rules of Criminal Procedure.

(c) Upon the request of a law enforcement agency, the custodian of the captured plate data shall take all necessary steps to immediately preserve captured plate data in its possession. A requesting agency must specify in a written, sworn statement all of the following:

- (1) The location of the particular camera or cameras for which captured plate data must be preserved and the particular license plate for which captured plate data must be preserved.
- (2) The date or dates and time frames for which captured plate data must be preserved.
- (3) Specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing persons investigation or is needed to prove a violation of a motor carrier safety regulation.
- (4) The case and identity of the parties involved in that case.

After one year from the date of the initial preservation request, the captured plate data obtained by an automatic license plate reader system shall be destroyed according to the custodian's own record or data retention policy, unless the custodian receives within that period another preservation request under this subsection, in which case the retention period established under this subsection shall reset.

(d) A law enforcement agency that uses an automatic license plate reader system in accordance with G.S. 20-183.31 shall update the system from the databases specified therein every 24 hours if such updates are available or as soon as practicable after such updates become available.

(e) Captured plate data obtained in accordance with this Article is confidential and not a public record as that term is defined in G.S. 132-1. Data shall not be disclosed except to a federal, State, or local law enforcement agency for a legitimate law enforcement or public safety purpose pursuant to a written request from the requesting agency. Written requests may be in electronic format. Nothing in this subsection shall be construed as requiring the disclosure of captured plate data if a law enforcement agency determines that disclosure will compromise an ongoing investigation. Captured plate data shall not be sold for any purpose. (2015-190, s. 1.)

Brandon Lassiter

From: Mandy Hartig <mandy.hartig@selex-es.us>
Sent: Friday, December 05, 2014 10:30 AM
To: Brandon Lassiter
Cc: kyle.d.york@usdoj.gov
Subject: RE: Lpr orange co

Brandon,

You probably just need to set the static IP address on your computer back to the one that we use for the LPR System. If you know how to do that, the IP is 172.19.8.37 with a subnet mask of 255.255.0.0.

If you need assistance, then we're happy to help. Please put in a new request, and the next available technician will call you back. You can create a new request either through our call center at 866-967-4900 or on our website at http://elsag.com/contact_form.htm. Please be advised that requests entered on the website are not monitored outside of normal business hours. After hours calls should always go through the call center.

Thanks,

Mandy Hartig
Senior Technical Analyst
866-967-4900

-----Original Message-----

From: Brandon Lassiter [mailto:blassiter@orangecountync.gov]
Sent: Friday, December 05, 2014 9:21 AM
To: Mandy Hartig
Cc: kyle.d.york@usdoj.gov
Subject: RE: Lpr orange co

Mandy,

I had to turn my computer into our IT department yesterday and when I reinstalled it in my car this morning it appears the LPR cameras are not coming on as connected (red blocks instead of green). Can you provide any instruction on how to fix this?

Thanks Brandon Lassiter
919-795-8276

-----Original Message-----

From: Mandy Hartig [mailto:mandy.hartig@selex-es.us]
Sent: Thursday, April 10, 2014 8:39 AM
To: Brandon Lassiter
Cc: Kyle York
Subject: RE: Lpr update orange co

Brandon,

I believe my co-worker, Michael, is working on getting you guys updated with new protocols which should help your read accuracy. He should be calling you shortly.

Mandy Hartig
Technical Analyst
866-967-4900

-----Original Message-----

From: Brandon Lassiter [<mailto:blassiter@orangecountync.gov>]
Sent: Thursday, April 10, 2014 7:44 AM
To: Mandy Hartig
Cc: Kyle York
Subject: Lpr update orange co

Mandy,

When you have time can you give me a call. I was made aware that a new update is available for the system that I have. (mobile plate hunter 900) This will be my first update and I am unfamiliar with the process.

Thanks

Brandon Lassiter
Orange County Sheriffs Office
919-795-8276

Sent from my iPhone

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